IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No.81/2006

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. R.M. Daga, Advocate for the petitioner,
Mr. Y.B. Mandpe, APP for the respondents.

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CORAM : K. J. ROHEE &
C. L. PANGARKAR, JJ
DATED : SEPTEMBER 28, 2006

1. Heard the learned counsel for the petitioner and the learned APP for the respondents/State.

2. A charge under sections 498-A, 304-B r/w 34 of the Indian Penal Code has been framed against the son-in-law of the petitioner and the relatives of the son-in-law. The petitioner wants that the charge under Section 302 of the Indian Penal Code should have been framed against them. It may be noted that the session's trial has been stayed by this Court.

3. Considering the circumstances of the case, it would be better if the petitioner moves the trial court for framing additional charge by placing relevant documents in support of his contention.

4. In this view of the matter, the petitioner is

permitted to withdraw the petition with liberty to move the trial court as stated above within four weeks. The trial Court is directed to consider his application and the documents to be produced by him. The trial Court should not proceed with recording of the evidence unless the application to be moved by the petitioner is decided.

JUDGE **JUDGE**

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